REMARKS

This application has been reviewed in light of the final Office Action dated August 28, 2008 and the Advisory Action dated December 8, 2008. Claims 1-19 are pending, with claims 1, 7 and 8 being in independent form. By this Amendment, claims 1, 7 and 8 have been amended to clarify the claimed subject matter.

The Advisory Action dated December 8, 2008 indicated that the rejection of claims 1-19 under 35 U.S.C. §112, first paragraph, has been withdrawn.

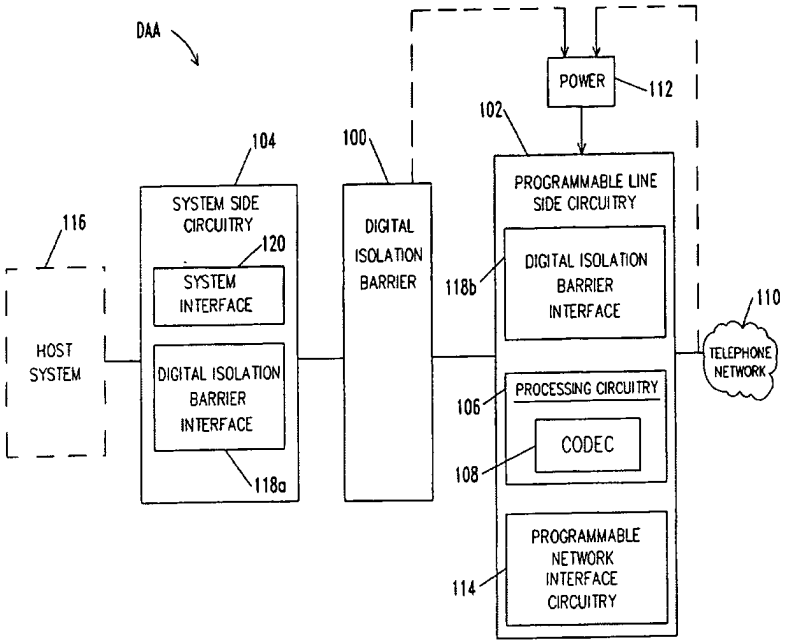
Claims 1-3, 6-11, 14-16 and 19 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over the Background Art referenced in the present application in view of U.S. Patent No. 6,351,530 to Rahamim and U.S. Patent No. 5,598,401 to Blackwell. Claims 4, 5, 12, 13, 17 and 18 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over the background art in view of Rahamim and Blackwell and further in view of U.S. Patent No. 5,502,752 to Averbuch.

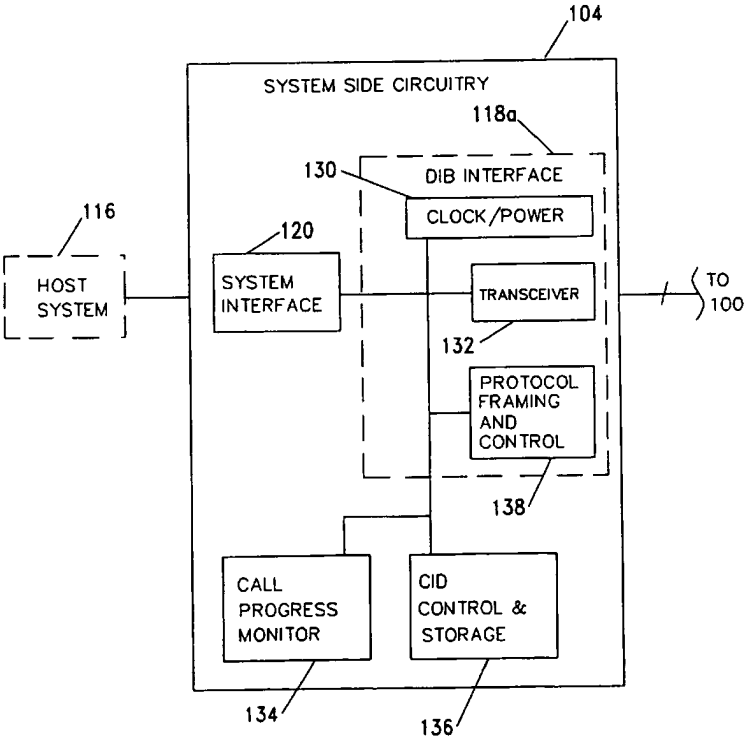
Applicant respectfully submits that the present application is allowable over the cited art for at least the reason that the cited art does not render obvious the aspect of the present application of a facsimile use modem apparatus comprising a monitoring device located within the silicon data access arrangement and configured for monitoring G3 communications executed through the ISDN line. Each of independent claims 1, 7 and 8 addresses such aspect, as well as additional features.

The Background Art, referenced in the Discussion of Related Art section of the present application, as acknowledged in the final Office Action, does not disclose or suggest the above-mentioned aspect of the present application.

Rahamim, as understood by applicant, proposes a data access arrangement (DAA)

configured to interface a host system (116) with a telephone line (110), as shown in Figs. 1 and 2 (reproduced below) of Rahamim.





The DAA of Rahamim includes a digital isolation barrier (100) for providing the required electrical isolation between line side circuitry (102) and system side circuitry (104). The line side circuitry 102 includes processing circuitry 106 and a coder/decoder (CODEC) 108 to convert an analog signal received via the telephone network 110 into a digital format, and convert digital signals from the system side, for analog transmission over the telephone network 110. The system side circuitry 104 (via system interface 120) coordinates communications with the host system 116, and (via digital isolation barrier interface 118a) establishes communications with the digital isolation barrier 100 of the DAA. According to Rahamim, a call progress monitor (134) may be included in the host system 116 or in the line side circuitry 102.

However, the call progress monitor 134 of Rahamim does NOT monitor a progress of G3 facsimile communications via an ***ISDN line***. The data access arrangement of Rahamim does not include a digital interface configured for G3 communications through the ISDN line. Instead, the objective of Rahamim is to provide a DAA that can be utilized to interface a telephone network 110 connection to any processor of host system circuitry 116 that performs analog modem modulations.

The final Office Action apparently relies on the false presumption that a digital system can necessarily handle communications through an ISDN line.

One skilled in the art would not have arrived at such false premise and would not have understood Rahamim as proposing a silicon access arrangement that includes means for performing G3 facsimile communications via an ISDN line. Instead, facsimile communications through an ISDN line requires provisions for processing signals of specific format and communicated with specific protocol, different from those internal to a bus of a host system.

Further, contrary to the contention in the Advisory Action, facsimile communications

configured for transmission over a telephone network cannot *per se* be transmitted over an ISDN. The Wikipedia entry referenced in the Advisory Action is neither prior art nor reliable as an accurate or acceptable statement of the term in the art.

In short, none of the cited references disclose or suggest the above-mentioned aspect of this application wherein a monitoring device located within a silicon data access arrangement is configured for monitoring G3 communications executed through an ISDN line.

Applicant maintains that the cited art, even when considered in combination with common sense and common knowledge to one skilled in the art, simply does not render obvious the above-mentioned aspect of the present application. Accordingly, independent claims 1, 7 and 8, and the claims depending therefrom, are allowable over the cited art.

In view of the remarks hereinabove, applicant submits that the application is now in condition for allowance, and earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any required fees, and to credit any overpayment, to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,

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